

## ***City Council Meeting Minutes***

**September 6, 2016  
City Hall, Council Chambers  
749 Main Street  
7:00 PM**

**Call to Order** – Mayor Muckle called the meeting to order at 7:00 p.m.

**Roll Call** was taken and the following members were present:

**City Council:**      ***Mayor Muckle, City Councilmembers: Jeff Lipton,  
Ashley Stolzmann, Dennis Maloney, Chris Leh,  
Susan Loo and Jay Keany***

**Staff Present:**      ***Malcolm Fleming, City Manager  
Heather Balser, Deputy City Manager  
Aaron DeJong, Director of Economic Development  
Dave Hayes, Police Chief  
Meredyth Muth, City Clerk***

**Others Present:**      ***Sam Light, City Attorney***

### **PLEDGE OF ALLEGIANCE**

All rose for the pledge of allegiance.

### **APPROVAL OF AGENDA**

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Councilmember Keany. All were in favor.

### **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

None

### **APPROVAL OF THE CONSENT AGENDA**

Mayor Muckle called for changes to the consent agenda and hearing none, moved to approve the consent agenda, seconded by Councilmember Maloney. All were in favor.

- A. *Approval of the Bills***
- B. *Approval of Minutes: August 9, 2016; August 15, 2016***
- C. *Approve Changing the September 27 Study Session to a Special Meeting***
- D. *Approve Changing the October 11 Study Session to a Special Meeting on October 12***
- E. *Award Bucket Truck Purchase***
- F. *Approve Resolution No.44, Series 2016 – A Resolution Approving A First Amendment to Agreement for Delegation of Activities for a Boulder County Collaborative CDBG-DR Sub-Allocation for the City of Louisville Raw Water Diversion Improvements Project***
- G. *Approval of Release Agreement with Boulder Wind Power, Inc.***
- H. *Award Bid for 2016 Water Main Replacement to Colorado Civil Infrastructure***

### **COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA**

Mayor Muckle thanked staff and the volunteers for all the work on the Labor Day Parade and Fall Festival.

### **CITY MANAGER’S REPORT**

City Manager Fleming also thanked staff and all of the volunteers for the weekend’s events.

### **REGULAR BUSINESS**

---

---

#### **DISCUSSION/DIRECTION/ACTION POLICE DEPARTMENT 2017 – 2021 MASTER PLAN**

Chief Hayes presented the Police Department’s 2017-2021 Master Plan stating it is the department’s five-to-seven year plan to guide the business operations of police service delivery in a manner that meets both Council goals and the community’s standards, by building on the department’s strengths, addressing existing deficiencies, and defining a course that ensures continued high-quality and cost-effective law enforcement services.

Chief Hayes stated the Department provides a broad spectrum of services. This draft plan is designed to reflect an increasing population, changing demographics, changing community expectations, and advances in technology. Calls are up significantly from previous years and the need for the Police to provide a response to drug and alcohol issues and mental health issues is much greater than in previous years.

The Master Plan goals are 1) being a leading edge police department 2) having well-trained officers and staff and 3) having contemporary equipment. The plan includes performance measures to monitor service and progress towards these goals. The department is already implementing recommendations in the master plan that do not require additional funding or staff.

Chief Hayes stated the department already achieved many goals in 2015 including assigning detectives to the work with the Boulder County District Attorney's Office, a new transparent promotion process, improved relationships with the local fire districts, implementation of a Taser program, increased radio interoperability, and a new car design.

Mayor Muckle asked for public comment. No public comment.

Mayor Pro Tem Lipton thanked the Chief and stated he would like to see some comparison data with other comparable cities; crime statistics and what resources they have that we may not.

Mayor Muckle thanked the Chief and asked if some of the items in the plan could be defined so the lay person could better understand and flesh out the kinds of technologies the plan references. He asked if there are more things civilian staff could do to free up the time of the sworn officers.

Councilmember Maloney asked if there was internal and external review of the plan before this point. Chief Hayes stated it will go to the community for input following tonight's Council's input to make sure it is moving in the right direction from Council's perspective. He added internally it has been reviewed at the supervisor level.

Councilmember Keany wondered if the expanded alcohol and drug education program in the schools is really our role and if having officers in the schools is a good use of City resources. Chief Hayes stated the School Resource Officers are available for other calls. Councilmember Keany stated we might have better value having those officers on the street than in the schools all day.

Councilmember Stolzmann asked if there could be some more metrics in the plan. She stated she has had a very positive response from people in the community in support of the School Resource Officers.

Mayor Pro Tem Lipton stated he continually hears complaints about traffic speed and asked if traffic enforcement could get some more attention. Chief Hayes stated the department is committed to following up on speed complaints; including tracking and enforcing more in problem areas. Mayor Pro Tem Lipton stated he appreciates the impact of the digital speed signs and feels they do make a difference.

Mayor Pro Tem Lipton asked how we protect the City and how we make sure we aren't doing any racial profiling. Chief Hayes stated he doesn't think it is happening but the tickets do have a way to track the race of those ticketed. The department works hard to treat all people with respect. The new records management system will help with tracking.

Councilmember Loo noted there are not a lot of numbers in the plan. She would like more specifics on items like response time, arrests, mental health holds, etc. along with more information on how often we call for mutual aid from other departments. Chief Hayes stated we generally provide more mutual aid than we receive. He will get more detailed information in subsequent drafts. Council member Loo asked for more information on mass disaster planning and coordination with the Louisville Fire District.

Councilmember Leh agreed with the need for some additional data and information to help explain things better. He stated the plan could use more SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis to explain why change is needed and where it is not needed. There needs to be a good description and understanding of what "community policing" is, what it means in Louisville, and what it means to our residents, before the plan is finalized.

Mayor Muckle asked Chief Hayes to take the comments and bring back an updated draft.

### **DISCUSSION/DIRECTION – BOARDS, COMMISSIONS AND CITY COUNCIL COMMITTEE ROLES, RESPONSIBILITIES, LIMITS, TENURE, AND OTHER ITEMS**

Mayor Muckle introduced the item stating the Council would like to spend some time discussing items such as term limits, possibly eliminating boards, and other ideas.

Councilmember Stolzmann stated all of the meetings are taking a lot of time and there could be ways to be more efficient and still get good results from the boards and Council committees. She noted some boards may have a natural sunset time.

Mayor Pro Tem Lipton noted the committees should be evaluated to determine if any could be sun-setted and if some need to have their scope and duties redefined. He agreed with the concern over the amount of resources and staff time boards and commissions are consuming without much or any Council direction. Typically boards expand the scope of what they are doing and then Council is put in the difficult situation of telling boards their needs and desires can't be funded. He would like this to be an ongoing conversation.

Mayor Muckle stated he is generally reluctant to micromanage the boards. The board's creativity can be a benefit.

### **Council Committees**

Mayor Pro Tem Lipton suggested the Water Committee should be expanded to become the Utility Committee to add items such as the trash contract and other utilities. Mayor Muckle and Councilmember Keany and Councilmember Loo agreed with the suggestion.

Mayor Pro Tem Lipton stated the Legal Review Committee generally works well meeting on an as needed basis. He suggested the Finance Committee is also working well and supporting Council well.

Councilmember Stolzmann asked if there was interest in making the Finance Committee larger. City Attorney Light noted that if the a Committee is four or more people it can force a Council decision as Committee members would be a majority of the full Council, so that is something to consider. Consensus was to leave it a three members but any Councilmember can attend any meeting.

Mayor Pro Tem Lipton stated he thinks the Business Retention and Development Committee (BRaD) has met its original goals and may no longer be needed. Current conditions are very good and there is no longer a need to focus on economic recovery in this way anymore. He stated it doesn't mean Louisville isn't business friendly, just this may not be what is needed. It might need to be redefined and refocused. He suggested sunseting the BRaD committee and replacing it with a board more broadly focused on economic development. And make it a board with a regular application and appointment process like the other boards with a variety of citizen representatives.

Councilmember Loo stated her opposition to the suggestion to sunseting BRaD. She advocated for removing the three Councilmembers on the board and not having it be a Council Committee. She suggested if the board changes it wouldn't be as strong a board as it could be without three Councilmembers on the board. She suggested if it changes, members should be required to have technical expertise to serve. She added there should be geographic representation on the board. BRaD in general hasn't reevaluated their mission or vision and Council needs to help do that. BRaD has done some great work, but can't rest on their laurels. Councilmember Loo added this conversation will be a shock to BRaD and they should be asked for input on this change. BRaD has done great work, but can't rest on their laurels because of the competition for business from neighboring municipalities.

Mayor Muckle supported the idea of changing the Committee to a citizen board stating we need to stay business friendly.

Councilmember Keany stated this idea deserves more discussion. He likes the idea of geographic representation on the board.

Councilmember Maloney would like to see a sunset process in place and a time to reevaluate expectations regularly.

Councilmember Stolzmann asked if Economic Development Director DeJong could bring back some ideas on what/how a new board could look and what their duties/mission might be.

Councilmember Leh stated the Council needs to create an economic development vision for the community and needs robust community input. A lack of vision will discourage economic development and time is of the essence.

Mayor Muckle stated there appears to be support in reconstituting this board. He asked staff to bring back some recommendations for further consideration.

Michael Menaker, 1827 West Choke Cherry Drive, stated we do need a more expansive economic development effort. However, he would like to get input from BRaD before making any decisions. He sees value in the current construct, it insures a parity of interests with a variety of players with different perspectives and it creates excellent interpersonal relationships between these players. There is merit in expanding economic development but he would hope the current board would have an active voice in whatever changes are made. He suggested keeping it as it is or expanding its current form.

Mayor Pro Tem Lipton suggested staff confer with BRaD about how to face economic development challenges better as a citizen board with new purpose.

Mayor Muckle stated he doesn't agree with automatic sun-setting but prefers to have two-three boards discussed each year to refine or adjust as needed and only sunset as needed.

Mayor Pro Tem Lipton stated he would like a very careful reevaluation of two-three boards each year; what is their role, what is needed, how it is defined. This needs to be done on a schedule.

Councilmember Maloney stated Council has an obligation to set expectations for the boards and needs to do it more frequently.

### ***Cultural Council***

Councilmember Stolzmann stated her concern that the Cultural Council members are also members of a concurrent nonprofit. As the City is the biggest donor there may be ways to not transfer the money to the nonprofit at all, could it be a City board with a standard City budget?

Councilmember Leh stated the Legal Review Committee is looking at the nonprofit issue. It needs to be addressed. It is complicated and involves liability issues, staff time, and much more. Everyone wants clarity on this issue. It is not likely to be resolved by

the time 2017 appointments are made. Above all, we want to continue to encourage people to volunteer on these boards. There is not a one size fits all fix for the boards with nonprofits.

Mayor Muckle said his inclination was to leave the Cultural Council alone for now and see how the nonprofit issue plays out.

### ***Golf Course Advisory Board***

Councilmember Maloney stated the board needs new direction now that the golf course is under City management. Roles and duties should be reevaluated.

Councilmember Keany asked if there is a future need for the board long term. This is a City managed facility now and there is direct communication and control over the facility now. He questioned if it is appropriate for board members to be overseeing the work and duties of City staff.

Mayor Muckle stated this board should be prioritized for full board review.

Councilmember Stolzmann stated the Council recently gave direction to the Golf Board on a few issues, so perhaps the role and duties of the Board should not be reevaluated until those items are complete.

### ***Historical Commission***

Councilmember Stolzmann stated the nonprofit issue applies here as well. She wondered if there still a mission for the board if the nonprofit fills that function.

### ***Library Board of Trustees***

Not a priority

### ***Parks and Public Landscaping***

Not a priority

Councilmember Loo suggested a Parks and Rec board in the future.

### ***Sustainability Advisory Board***

Councilmember Keany noted the challenge here is giving the board good direction and felt it could use reevaluation and should be prioritized.

Councilmember Stolzmann felt a Sustainability member should be on each board after the Sustainability Plan is adopted.

Mayor Muckle agreed this board should be prioritized for future structure and mission.

### ***Youth Advisory Board***

Councilmember Keany felt the Youth Advisory Board is good as it is. Mayor Muckle agreed.

Councilmember Leh noted if any board is discussed in detail the board members need to be included. This is just an initial conversation.

Mayor Muckle noted there are boards required by Charter which were not discussed; Planning Commission, Building Code Board of Appeals, Board of Adjustment, Historic Preservation Commission and the Open Space Advisory Board.

Mayor Muckle called for public comment. None was heard.

Councilmember Loo asked for a staff re-cap.

City Clerk Muth noted staff will be bringing back an ordinance regarding term limits for Council consideration. The first draft will include a term limit of two terms for any board except Planning Commission which would be twelve years which is two of their longest terms. The resolution for cause of removal would be reviewed to remove the term "unexcused".

Staff will bring back suggestions on how to reconstitute BRaD, prioritize Sustainability to be reviewed and consider reviewing Golf when they have completed their new tasks. The Legal Review Committee will continue to look at the concerns about nonprofits. In the meantime, staff will continue with the standard process for 2017 applications.

Helen Moshak, 493 Eisenhower Drive, asked for clarification on the term limits coming forward. City Clerk Muth responded based on input from the City Council, a two-term limit will be brought back for Council consideration.

## **EXECUTIVE SESSION**

## **PENDING LITIGATION**

Louisville Charter, Section 5-2(c) – Authorized Topics – Consultation with an attorney representing the City with respect to pending litigation, and C.R.S. 24-6-402(4)(b).

The City Manager and City Attorney are requesting the City Council convene an executive session for the purpose of consultation with respect to pending litigation.



City Clerk Muth read Section 2.90.050, the public statement from the Louisville Municipal Code, governing the topics that may be discussed in an executive session.

City Attorney Light stated the authority for conducting an Executive Session is the Louisville Code of Ethics, Section 5-2(d), CRS 24-6-402(4)(b).

MOTION: Mayor Muckle moved the City Council convene an executive session for the purpose of consultation with respect to pending litigation and the executive session include members of the City Council, City Manager, Economic Development Director, and the City Attorney, seconded by Councilmember Keany. All in favor.

The Council adjourned to executive session at 9:45 p.m. The meeting reconvened at 10:57 p.m.

**REPORT – DISCUSSION/DIRECTION/ACTION –  
REAL PROPERTY ACQUISITION AND DISPOSITION**

City Attorney Light reported on the executive session, the City Council had consultation on pending litigation on two items where lawsuits are threatened but not pending.

**CITY ATTORNEY’S REPORT**

No report.

**COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF  
FUTURE AGENDA ITEMS**

No items.

**ADJOURN**

MOTION: Councilmember Keany moved for adjournment, seconded by Mayor Pro Tem Lipton. All were in favor. The meeting was adjourned at 11:00 p.m.

---

Robert P. Muckle, Mayor

---

Meredyth Muth, City Clerk